



Document 1

ECR Project Chronicle

Electronic Court Records Project Chronicle

Prior to 1994

Electronic Document Imaging Projects Identified But Not Funded (Attachments 1 through 5)

In 1992, the Department of Judicial Administration (DJA) began to research the possibility of utilizing electronic records in the courts. Research conducted by Roger Winters, DJA Records and Research Manager, indicated that electronic records could produce significant improvements in the efficiency and effectiveness of the processing and management of Superior Court records. While the benefits could be significant, DJA also recognized that the reality of implementation would be complex and require a significant cultural change in the court organization. It was clear that implementing electronic document systems in the court should be tested in a pilot program of manageable size prior to full implementation in the Superior Court.

Initially, DJA saw the opening of the Regional Justice Center (RJC) in 1997 as an ideal opportunity for introducing document imaging to the courts. As the RJC was being designed, the planning committee determined that the RJC would open with hard-copy based systems. Acquiring imaging technology was not included in the funding for the RJC. However, throughout the RJC planning process, DJA document imaging supporters kept abreast of the planning process to ensure that no barriers to document imaging were inadvertently build into the RJC plan. In particular, care was taken to ensure the new building could support the wiring needs of an electronic document management system.

In 1993, DJA identified the Juvenile Court as a possible imaging pilot program site. The Juvenile system essentially replicated all the functions of the Superior Court at a remote location and on smaller scale. In June 1993, the Department of Judicial Administration submitted a 1994 budget proposal requesting funds to develop an imaging pilot project for Juvenile Court in 1994. The County Council rejected the proposal due to lack of clear and immediate paybacks. DJA planned to resubmit the request for the 1995 budget year.

In addition, during 1993 DJA recognized that a significant outreach effort must be launched to gain support from stakeholders. Ongoing communication was established with stakeholders that could affect the acceptance and funding of an imaging project. DJA focused on outreach to the King County Budget Office, the Office of the Administrator of the Courts, the RJC Planning Committees, County Clerks, Bar Association, judges, the Prosecutors Office, users such as title companies and the public.

A key finding at this early stage of the ECR project was the concept of developing and managing stakeholder relationships. Large system projects that are not only expensive and require significant cultural changes like ECR require a significant marketing effort to gain funding and acceptance by affected organization.

October, 1994
National Court Technology Conference

The Honorable Dale Ramerman, King County Superior Court, Janice Michels, Director of Judicial Administration and Superior Court Clerk, and Michael Planet, Superior Court Administrator made up the delegation from the King County Superior Court that attended the National Court Technology Conference in October, 1994. Twenty other representatives also attended the Conference from Washington State.

Judge Dale Ramerman summarized the major issues discussed at the conference in a memo to Presiding Judge Anne L. Ellington. In his memo, Judge Ramerman reviewed presentations on electronic filing and imaging in detail. The memo reviewed the benefits that electronic would provide to various stakeholders, including:

Clerk's Office - Would not have to maintain paper files. Data entry would be vastly reduced, and the labor and costs involved in creating, storing, delivering files would be eliminated. Files could not be lost or misplaced. Documents would not have to be identified and copied for appeals.

The Public - Remote access to court files at locations as diverse as libraries and copy centers. Files would be accessible simultaneously to more than one user. Hard copies could be printed out if they are wanted.

Lawyers - Serve and file papers at minimal expense. They could also access court files from their offices. Service on other counsel could be done instantaneously.

The Court - Court files could be accessed by multiple users simultaneously both in the courthouse and from remote locations. This would eliminate any problems of having court files or documents at the wrong courthouse (Kent or Seattle). Court papers would also be available within a day of filing. Hypertext features would also allow linking briefs to other cases, statutes or regulations, allowing the reader to view related documents on screen with the click of a mouse.

In the memo, Judge Ramerman also stressed that electronic filing is not some "far fetched" technology, but one that has been proven by a variety of courts across the nation. While implementing electronic filing would require significant effort in reengineering the way the court does business, the benefits would be well worth the effort. Judge Ramerman suggested that developing statewide standards would be a logical first step to implementation.

While DJA has been conducting research and reporting on the virtues of electronic court records for at least two years, the ECR effort gained significant momentum when key management at King County Superior Court could actually observe electronic records demonstrations at the National Court Technology Conference. Actually seeing demonstrations and hearing success stories from Courts that have already implemented electronic court records technology was key in generating enough excitement to spur the King County Superior Court into real action towards implementing ECR.

November, 1994

Electronic Filing/Imaging Task Force Was Convened

The National Court Technology Conference provided the spark necessary to motivate a group of representatives from the Superior Courts of Washington State that attended the conference to create an ongoing forum for the discussion of the use of electronic documents in the court system. Initially, the forum included the following participants.

Brian Backus	OAC
Bob Carlberg	Snohomish County
Delilah George	Snohomish County
N. F. Jackson	Whatcom County
Sally King	Chelan County District Court
Jill Koepp	Cascade District Court
Jan Michels	King County
Dale Miller	Bogle & Gates
Judge Dale Ramerman	King County Superior Court
Val Stone	Snohomish County
Robin Trembreath	Snohomish County
Siri Woods	Chelan County
Judge Thomas Wynne	Snohomish County
Roger Winters	King County Department of Judicial Administration

The initial meeting of this group on January 7, 1995 was primarily devoted to defining the group's purpose and priorities. The group reached consensus that they were present to discuss the problem, "How can we best facilitate Justice?" A brainstorming and prioritization process was used to develop the following list of constraints and facilitating factors this group faces in their quest to facilitate justice.

Constraints

Tradition
Finances
Fear of and Resistance to Change
Intimidation of Technology
Complexity

Facilitating Factors

Compelling Need
Cooperative Spirit
Technology's Potential
Leadership/Vision
Energy/Enthusiasm

Top rated targets or descriptions of the vision that the group hopes to achieve included:

- Better triage
- Finality, certainty, predictability
- Eliminate delay in delivering Justice

February, 1995
Court Technology Group Vision

This group of interested parties became known as the Court Technology (EDI) Group and over the ensuing months met regularly to develop a mission and vision for their work. On February 6, 1995, the group reached consensus on the following statements:

Reengineer Washington's Courts

Rethink, redesign, reengineer our judicial system.

Reconstruct how courts do their work to deliver better service to customers (litigants and public):

- undertake a zero-based reexamination of court functions,
- reconsider jurisdictional levels,
- remove organizational and hierarchical barriers,
- expedite cases to their earliest feasible completion, with issue identification at entry,
- expedite cases to their earliest feasible completion, with issue identification at entry,
- enable simultaneous processes that avoid delay,
- expedite and manage appeals and revisions, and
- ensure enforcement of judgments, to
- give finality, certainty, and predictability to the judicial process.

Build tomorrow's information infrastructure now

Build a statewide data web, enabling electronic data and document interchange, to make needed information readily accessible to support judicial decision-making and enforcement.

A modernized information infrastructure is necessary to gain maximum benefit from reengineering. Even before reengineering is done, essential features of this infrastructure are discernible:

- a seamless, statewide data web in which all courts and associated agencies share information and data entry,
- electronic data/document interchange, imaging, and multi-media supplanting hard copy as the principal medium for active records,
- judicial information accessible to the court and associated agencies when needed (eliminating organizational and geographic barriers),
- timely access to judicial records available for litigants, the bar and the public, both in the courthouse and remotely, and
- protection of personal privacy and confidential/sealed information ensured.

The EDI group continued to refine the vision of what technology could be effectively used by the court and what types of capabilities could be gained.

May, 1995
Marketing the EDI concept
(Attachment 6)

From the very beginning, the EDI Group understood the need to gain support for the EDI concepts from a wide range of constituents. By May of 1995 the EDI group began actively seeking a "Champion" to bring EDI ideas to the Washington State Justice Information System project as well as spread the word among peer justice agencies in the state. The group was working diligently to develop a "sales piece" the group referred to as their "Sizzling Demo." Additionally, plans were made to provide Justice Talmadge, the new chair of JIS with an update of the work of the EDI Group. Members were also actively pursuing relationships with other related groups such as the Records Management Advisory Committee (RMAC) and personally encouraged peers to attend EDI sessions at the upcoming Spring Judicial Conference.

Over the course of the next year, the EDI group sought to market EDI concepts the following constituents:

- Court Management Council (CMC)
- Judicial Information System Committee (JISC)
- Records Management Advisory Committee (RMAC)
- Office of the Administrator for the Courts (OAC)
- National State Justice Institute (SJII)
- National Center for State Courts (NCSC)
- Judicial Electronic Document & Data Interchange (JEDDI)
- State of Washington State Archivist
- Local Records Committee
- Advisory Committee on Electronic Records
- Subcommittee on Standards
- Washington Association of County Clerks
- King County Information Resource Council (IRC)
- Law, Safety and Justice Business Area Committee (LSJBAC)
- Superior Court Dept. of Judicial Administration
- Electronic Document Management Advisory Committee (EDMAC)
- ECR Steering Committee
- Washington State Bar Association
- King County Bar Association
- Association of Records Managers and Administrators (ARMA)
- Association for Information and Image Management (AIIM)
- Legal Waste Reduction Network
- Association of Local Agency Records Managers (ALARM)

While there was significant talk about a "sizzling demo", it never was developed. While it would have possibly been helpful to have a demonstration that could communicate the "look and feel" of electronic records, less "sizzling" marketing efforts did pay off over the next year to result in the form of ECR project funding in 1996.

August, 1995

Legal Requirements for Electronic Filing

In addition to marketing the concept, there were legal issues associated with the use of electronic legal documents. In August, 1995 Kristin Bjorkman submitted a memo to Roger Winters and the EDI Work Group summarizing her findings regarding the Washington Court Rules and the Revised Code of Washington which would require amendments to accommodate electronic filing of pleadings and other papers. Her research identified a series of rules that refer to the filing of "papers" that would require modification.

August, 1995

EDI Work Group Merges with RMAC

The EDI Work Group proposed that the Records Management Advisory Committee (RMAC) be integrated and that RMAC expanded their charge to advise the Court Management Council with also advising the State Justice Information System (JIS) regarding court records with particular emphasis on EDI. The proposal was unanimously accepted. The consolidated RMAC's first work product was to submit a request for support from JIS to fund the "dazzling demo" which the EDI Work Group had been planning since early 1994.

Minutes from the RMAC group reveal that the "dazzling demo" was discussed at length but the actual product was never produced. RMAC felt they could demonstrate the look and feel of "paperless" court operations with some type of automated presentation. While a demonstration of the technology would be desirable, RMAC's marketing was limited to verbalizing the benefits of electronic filing and imaging.

April, 1996

The ECR Vision becomes a Funded Project

In the summer of 1996, the vision developed into a funded project to develop preliminary technology requirements and a process for managing and evaluating the Electronic Court Records (ECR Project). Two grants from the State Justice Institute provided the funding for outside expertise to launch what has become known as Phase II of the ECR project where standards were developed and infrastructure planning began.

The mission of the ECR Project was verbalized as:

The Electronic Court Records project replaces hard copy with electronic documents to make access to court case records quicker and easier, to allow more than one person to access a document simultaneously, and to lay the foundation for business process re-engineering enabled by new information technology.

By June, project oversight had been organized with an advisory board of elected and appointed officials who were to provide general direction to the project from the judiciary, the bar and other constituents. The ECR Steering Committee was also assembled to provide day-to-day direction to the project. Representatives from the following entities were asked to participate on the Steering Committee:

- King County District Courts
- Associated Counsel for the Accused
- King County Information and Telecommunications Services
- King County Recorder's Office
- King County Law Library
- Members of the Legal Community
- Office of Public Defense
- Office of the Prosecuting Attorney
- Court of Appeals
- King County Superior Court
- King County Department of Judicial Administration

Over the course of the year, the Steering Committee addressed several issues relevant to the ECR project. Research topics included:

- Technical Issues of ECR
- Procedural Issues of ECR
- Privacy and Access to Information
- Cultural Change from ECR
- Legal/Court Rules
- Judicial needs (e.g. court notes)

About the same time that all of the project management structure was being developed, the Department of Judicial Administration also convened a Work Flow Quality Team. The intent of this employee team was to document current paperflows and make recommendations for improvements to workflow prior to automation via the ECR project.

June, 1997
Project Oversight Assessment Report
ECR Implementation Project: Design Statement
(Attachment 7)

In June 1997, the first draft of the ECR Design Statement was developed by the project evaluation and oversight firm, SMG/Columbia Consulting Group. The draft of the design statement outlined the potential benefits ECR could provide and a high level review of the basic processes that would be accomplished by the system from document filing to archival. The objective of the ECR Implementation Project was defined as:

"To replace the paper court file with an electronic court record by the year 2000."

The design report suggested that the "vision" of ECR would involve major "reengineering" of the operating procedures of the overall Superior Court system, which is outside of the authority of DJA. The design statement suggested that the scope be limited to redesigning processes within DJA that include maintaining and providing access to the court file, and the processes used to file documents and to access the court file. The design statement acknowledged that there are many other opportunities for additional automation, process redesign, and procedural reform that are beyond the scope defined for the initial ECR project.

While SMG/Columbia suggested that all the capabilities desired could be attainable over time, the initial implementation project should be limited to enhance the potential for success. Discussion of project scope and priorities continued for several months while Steering Committee members and other stakeholders began to adjust their own individual "vision" of the scope of ECR to the realities of a workable project plan.

Defining a common vision and limiting the scope of the ECR project to a "doable" scale was a very difficult effort for the Court. Up until now, the ECR vision encompassed the needs and priorities of all the individuals involved. When planning actual implementation, priorities needed to be set, meaning that all stakeholders would not immediately receive all the capabilities and related benefit of ECR immediately. It was key to break the ECR project down into smaller chunks to demonstrate success and support additional funding requests.

Once a reduced scope was defined, it became clear that project management would need to manage stakeholder expectations. ECR management must be careful not to "over-sell" the potential benefits of ECR.

June, 1997

**The Phased Development of ECR
(Attachment 8)**

To illustrate the phased implementation of ECR, Roger Winters, DJA ECR Program Manager developed a very descriptive graphic that outlined the work plan for ECR implementation to the year 2000. Additionally, Mr. Winters developed a one-page overview of the ECR project which outlined hard copy file issues, the ECR solution and project progress and activities. Both of these documents were updated periodically and used to provide a brief and comprehensive overview of the ECR project to a variety of audiences over the coming months.

The development of these "marketing tools" was significant in that they were among the first produced that reflected the actual scope and phasing of the ECR project. Most presentations up until this point focused on educating the audience on potential benefits of ECR and not when and how those benefits could be attained. Up until this point, the ECR system was a "vision" and those involved in the project understood that the specifics of that "vision" might be different among the various stakeholders who would be affected by electronic court records. Mr. Winters graphic became an effective tool for explaining the realities of the phasing in of ECR benefits and services over time. Beginning in June of 1997, "managing customer expectations" became a common topic of discussion in planning and Steering Committee meetings.

June, 1997.

**Imaging and Electronic Filing Projects in Courts Nationwide
(Attachment 9)**

Cary Information Consulting (CIC) had been engaged by the Department of Judicial Administration to provide technical assistance in the planning for ECR. As part of that contract, CIC conducted a survey of similar imaging and electronic filing projects that have been undertaken by courts nationwide. The purpose was to build upon the knowledge and experience of other courts to adopt "best practices" and learn from the problems encountered.

The major finding of this study was to validate the overall vision and strategies developed by DJA. The report strongly recommended a phased implementation approach beginning with imaging and adding higher levels of complexity in stages. The report also recommended that King County not enter a public-private partnership to implement ECR despite the attraction of shared costs and start-up support. Nationwide there are more examples of failed public private partnerships than successes.

September, 1997
Project Oversight Assessment Report
(Attachment 10)

The September 1997 Project Oversight Report summarized progress made in the past three months. Major accomplishment included:

- Further refinements to the "Design Statement" into a more specific project scope that has been reviewed by major stakeholders within the Superior Court system.
- Preliminary technical standards for electronic document management (EDM) technology have been developed.
- Preliminary cost estimates for the acquisition and implementation of the ECR system have been developed.
- Preliminary project milestones have been defined for the remainder of 1997 and 1998.
- An interim EDM hardware and software solution has been selected. The interim solution will project a platform for microfilm replacement imaging and "proof of concept" testing.
- DJA has begun preparing court files for scanning as part of the microfilm replacement project.

One of the most significant changes to the project plan was to reduce the overall proposed scope of the ECR project. Initially, the vision for ECR included major reengineering of processes that involved the overall Superior Court system - which is beyond the authority of DJA and is impractical as the scope of a single project. The revised scope focuses effort on matters under the control of DJA. At least initially ECR will focus on records management procedures including document filing, court file maintenance and public access to court files. Where specific support of other court system agencies and parties can be obtained, ECR technology should be used to provide remote document filing and access services. The year 2000 has been selected as the target date for implementing the ECR system.

WSBA Law Practice Management and Technology Section
January, 1998
(Attachment 11)

Roger Winters, ECR Project Manager continues to promote ECR in various law, safety and justice and records management organizations. While the presentation does talk about the potential benefits of ECR, it also describes the phased approach to implementing ECR at the King County Superior Court and the implementation schedule. The phases include:

1. Document Management in DJA (the core of ECR)
2. Court Support
3. Law, Safety and Justice Agencies Interface
4. Electronic Filing (Public)
5. Document Access and Distribution (Public)
6. State Initiatives (Appeals, etc.)

All stakeholder communications must clearly define the implementation schedule to effectively manage expectations.

Note: The attachments referred to above have been provided separately in hardcopy format.



Document 2

Chronicle Update Recommendations

ECR: Electronic Court Records - Issue Summary

Issue Title: ECR Project Chronicle Update Procedures
Prepared by: Christine Veit

Date: 1997-12-31

Background:

The Department of Judicial Administration has requested assistance in developing a means of recording the history of the Electronic Court Records Project and organizing the myriad of information gathered during the process. The purpose of the project chronicle is to provide other courts with "how to" information regarding implementing an electronic court records system. The chronicle should provide practical information about project management, policy and technical issues as well as lessons learned and best practices.

One of the greatest challenges of maintaining an accurate chronicle of the ECR project is retaining the discipline to update the document periodically over several years. Therefore, chronicle updates must be triggered by standard recurring events in the implementation process.

Issue(s) to be Addressed, Decided:

- Develop a standard and systematic procedure for updating the ECR Chronicle.

Discussion, Pros and Cons

The chronicle is not a task that is critical to the progress of the ECR project. However, the chronicle is a required deliverable specified by the grant DJA has received to fund the ECR planning and oversight function. Consequently, care must be taken to ensure the chronicle is updated in a timely and efficient manner. There are several safeguards that must be in place to ensure the terms defined by the grant funding are met. Those safeguards include:

- The chronicle update task must be of "doable" scale to ensure DJA has the resources to remain accountable for updates over the life of the ECR project.
- Updates must be triggered by milestones to ensure the task is not overlooked.
- Accountability for maintaining the chronicle must be clearly defined. SMG/Columbia initiated the project narrative for the period from 1994 to year-end 1997. As of 1998, the responsibility for Chronicle updates will shift to DJA.
- Procedures need to be defined to ensure continuity in document form and content.

ECR: Electronic Court Records - Issue Summary

Recommendation:

The following policies and procedures are recommended as guidelines for managing the ECR chronicle throughout the life of the ECR project.

Ownership & Accountability

One person should be accountable for updating the chronicle for a clearly defined period. The individual responsible for the chronicle should have ongoing involvement with the ECR project and understand the implementation process as whole. It would be desirable for the chronicle owner to understand the management perspective of the ECR project, because it is most likely that the individuals who will read the chronicle in the future will be records managers who are either contemplating or are in the process of implementing a similar system. If ownership of the chronicle update task is transferred from one individual to another, care must be taken to ensure roles and responsibilities are clearly understood.

Chronicle Updates Triggered by Project Milestones

To ensure key information is included in the chronicle and to keep the update task of manageable scale, updates should be made on a regular basis. It is recommended that chronicle updates become part of the project oversight task. Chronicle updates should occur with each major project status report which may occur quarterly or biannually. Chronicle updates should become part of the project work plan.

Items to be Included in the Chronicle

Summaries of significant events and major reports and documents developed in the course of the ECR project should be included in the Chronicle. Monthly status reports by the ECR Project Manager should provide the most consistent update material describing the history of the project.

A limited number of documents from other sources may be selected as entries. These selected documents should have particular relevance to the ECR implementation. Documents of general interest or background information should not be included.

Reports selected for the chronicle should be briefly summarized in the body of the chronicle document. The document itself may be included as an attachment. Attachments should be numbered in sequential order, and stored in paper form in the Chronicle Attachment file and electronic form (e.g. Word, Excel, Project) as available and appropriate. Attachment numbers are noted in parentheses in the body of the chronicle narrative descriptions below the heading of each chronicle entry.

Collecting Information Between Updates

A pending folder should be stored with the chronicle to hold documents destined for inclusion to the chronicle between updates at project milestones. This simple procedure will encourage the chronicle owner to set aside documents at the time their importance becomes evident, improving the chances that all significant findings between project milestones are captured.

ECR: Electronic Court Records - Issue Summary

Form and Content

Each chronicle entry must include the date, title, and brief description of the significance of the event to provide continuity and context. Additionally, chronicle entries are intended to be brief, offering the reader an overview of the ECR project. Detailed information that is deemed to be critical to the outcomes of the ECR project should be included as an attachment. It is not appropriate to include general information about electronic records unless that general information led to a key decision or milestone in the DJA ECR project. The attachment section of the chronicle should be preceded by an index of the document title and date.

The chronicle should be maintained in electronic form on standard word processing software to allow for easy updates and storage. The current version is stored in Microsoft Word for Windows 95. A hard copy of the chronicle and attachments should be stored in a binder or set of binders to provide for access and expandability. Electronic copies of attachment should also be stored as available and appropriate.

At the completion of the ECR project, it maybe desirable to transfer the entire document to electronic form to allow efficient and low cost distribution via CDs or the Internet.

